REMARKS

Based on the manifest differences between the cited references and the claimed invention, Applicant respectfully submits that the following remarks will convince the Examiner that the rejections in the January 11, 2007 Office Action should be reconsidered and withdrawn.

A.   Claim Rejections Under 35 U.S.C. § 102(e)

Initially, the Examiner rejected Claims 3, 10-11, 18-19, and 26, of which Claims 3, 11 and 19 are independent, under 35 U.S.C. §102(b) as being anticipated by Lupien U.S. Patent Number 5,689,652 ("Lupien"). Applicant respectfully disagrees.

It is black letter law that for a reference to be anticipatory, it must teach each and every claimed limitation. Lupien falls short of this requirement. Initially, Applicant notes that the Examiner opines that "[r]egarding claims 3, 11, 19, *Lupien* discloses a method for a computer comprising the steps of: administering to a first user a first test via the Internet (see col. 5 lines 36-45) where said first test includes presenting a set of at least two visual images to the first user and receiving the first user's preference based on the visual image (as shown in figure 4, there are many visual images i.e., 50-59, 40-46, etc.)…" (emphasis in original).

Applicant respectfully submits that the Examiner's reliance on Lupien is misplaced. Lupien discloses that a user (i.e., trader) creates a satisfaction density profile by inputting data points that represent the amount of a security that he would buy or sell at a given price and his satisfaction level for each data point. Lupien further discloses

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that the user can utilize an image as a graphical user interface to input or modify his preferences. However, the user is *not* expressing his preference based on the visual image. To the contrary, *the image is a graphical representation of the user's preference.* That is, Lupien teaches that "[e]ach trader terminal includes one or more input/output devices 16, 18, 20 that allow for the entry of satisfaction density profiles and the display of output." (Lupien, col. 5, lines 42-45). This is very different from the claimed invention. In the claimed invention, the user expresses a preference based on the image when presented with a set of two (2) or more images. Lupien, in contradistinction to the presently claimed invention, teaches the reverse. In Lupien, the visual image expresses the preferences of the user.

Moreover, the system and method disclosed in Lupien does not present the user with at least two (2) visual images. Applicant notes that the "many visual images" relied upon by the Examiner simply refers to different graphical representations of a given user's buy points and satisfaction levels – not the presentation to the user of at least two (2) visual images.

Applicant therefore respectfully submits that Lupien fails to teach all of the limitations of the pending claims, and requests that this rejection be reconsidered and withdrawn.

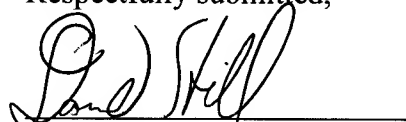B.   Claim Rejections Under 35 U.S.C. § 103

Next, the Examiner rejected Claims 5-8, 12-16, and 20-24 under 35 U.S.C. §

103(a) as being unpatentable over Lupien and Claims 9, 17, and 25 as being unpatentable

over Lupien in view of Charter et al. U.S. Patent Number 5,598,351 ("Barnes"). As

Claims 5-9, 12-17, and 20-25 depend from independent Claims 3, 11, and 19,

respectively, Applicant submits that be traversing the 102 rejections with respect to the

independent claims, that the 103 rejections of the dependent claims have been traversed

as well. Accordingly, Applicant respectfully requests that the 103 rejection be

reconsidered and withdrawn.

CONCLUSION

In view of the foregoing, Applicant respectfully submits that the present invention

as claimed in Claims 3-26 represents a patentable contribution to the art and the

application is in condition for allowance. Early and favorable action is accordingly

solicited.

Respectfully submitted,

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